

AUG 28 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): | Friddle et al. | |
| Application No.: | 09/940,919 | |
| Filed: | August 28, 2001 | Group Art Unit: 1653 |
| Title: | Novel Human GABA Transporter Protein and Polynucleotides Encoding the Same | Examiner: To Be Assigned |
| Attorney Docket No.: | LEX-0228-USA | |

Assistant Commissioner for Patents
Arlington, VA 22202

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Supplemental Information Disclosure Statement is submitted:

X under 37 CFR 1.97(b), or

(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

 under 37 CFR 1.97(c) together with either a:

 Certification under 37 CFR 1.97(e), or
 a \$240.00 fee under 37 CFR 1.17(p), or

(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

 under 37 CFR 1.97(d) together with a:

 Certification under 37 CFR 1.97(e), and
 a petition under 37 CFR 1.97(d)(2)(ii), and
 a \$130.00 petition fee set forth in 37 CFR 1.17(i)(1).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

X Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.



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The relevance of the attached references is that under 37 CFR § 1.97 (e)(1) each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application corresponding to the above-identified application not more than three (3) months prior to the filing of this Information Disclosure Statement.

Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement to Lexicon Genetics Deposit Account No. 50-0892. A copy of this sheet is enclosed.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

August 23, 2002

Date

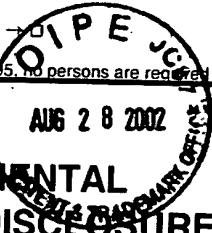
Lance K. Ishimoto by David W. Hoblin Reg. No. 41,071
DAVID W. HOBLIN
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Substitute for form 1449A/PTO

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**SUPPLEMENTAL
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STATEMENT BY APPLICANT**

Shee

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RE

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Application Number 09/940,919

Filing Date Aug 28, 2001

First Named Inventor Friddle

Group Art Unit 1653

Examiner Name Not Yet Assigned

Attorney Docket Number LEX-0228-USA

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| | | Number | Kind Code ² (if known) | | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁴ |
|--------------------|-----------------------|---------------------------------|---------------------|-----------------------------------|---|--|---|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | CL | | WO 01/73015 A1 | | Merck Patent Gmbh | 10-04-2001 | | |
| | | International Search Report for | | | | | | |
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

| | | | |
|--------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | CM | McIntire, S.L. et al: "Identification and Characterization of the Vesicular Gaba Transporter", Naure, MacMillan Journals Ltd. London, GB, vol. 389, 23 October 1997, pages 870-876, XP002916395, ISSN: 0028-0836 | |
| | CN | Sagne et al: "Cloning of a functional Vesicular Gaba and Glycine Transporter by Screening of Genome Databases:, FEBS Letters, Elsevier Science Publishers, Amsterdam, NL, vol. 417, no. 2, 10 November 1997, pages 177-183, XP002916396, ISSN: 0014-5793 | |
| | CO | Database EMBL 'Online! EBI; 15 December 1999, Peck A.: "Human DNA sequence from clone RP11-11201 on chromosome 20", Database accession no. AL133519, XP002173113 | |
| | CP | International Search Report from Foreign Associate | |
| | | | |

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|--------------------|-----------------|
| Examiner Signature | Date Considered |
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*EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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1653
10/29/02
PTO/SB/21 (08-0931)

Approval for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

09/940,919

Filing Date

Aug 28, 2001

First Named Inventor

Friddle, Carl Johan

Group Art Unit

1653

Examiner Name

Not Yet Assigned

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Attorney Docket Number

LEX-0228-USA

ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Return Postcard - Supplemental PTO1449 and 5 references cited |
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| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | Remarks |
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-------------------------|---|--|
| Firm or Individual name | Lance K. Ishimoto, Reg. No. 41,866 Lexicon Genetics Incorporated | |
| Signature | Lance K. Ishimoto by David W. Huber DAVID W. HUBER REG. NO. 41,071 | |
| Date | August 23, 2002 | |



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Arlington, VA 22202 on this date:

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| Typed or printed name | Michelle Klein | | |
| Signature | Michelle Klein | Date | August 23, 2002 |

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